CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	$\overline{\mathbf{V}}$	Discourt.	□ U.	.S.
Theo Kaufman		Squad #6	202107454	v	Abuse		O.L.	☐ In	jury
Y				Ļ		1.0), gov		
Incident Date(s)		Location of Incident:		1	Precinct:		Mo. SOL		SOL
Tuesday, 12/07/2021 4:38 PM		Inside § 87(2)(b) and also the Special Vi	ctims Unit office		70	6	5/7/2023	6/7/	2023
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CC	RB	
Wed, 12/08/2021 8:19 AM		CCRB	Call Processing System		Wed, 12/08	8/202	21 8:19 AN	1	
Complainant/Victim	Type	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. DT3 Christopher Stango	07064	954304	BK CHILD						
2. PO Mateusz Wybraniec	07999	966402	070 PCT						
3. PO Michael Digiovanna	12626	966033	070 PCT						
4. PO Michael Kurshals	28314	967152	070 PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. PO John Baggs	21920	959467	070 PCT						
2. SGT Jody Thomas	02587	953480	070 PCT						
3. PO Victor Kwok	14855	961875	070 PCT						
4. PO Monique Samuel	10558	963739	072 PCT						
5. PO Nikita Babenko	22414	968254	072 PCT						
Officer(s)	Allegatio	on			Inve	stiga	ator Recor	nmenda	ation
A.PO Michael Digiovanna		olice Officer Michael D nis name to § 87(2)(b)	iGiovanna refused to	0					
B.PO Mateusz Wybraniec	Abuse: P	olice Officer Mateusz W to \$87(2)(b)	Vybraniec refused to	pro	ovide				
C.PO Michael Digiovanna		rolice Officer Michael D nis shield number to \$87(2)		0					
D.PO Mateusz Wybraniec	Abuse: P	olice Officer Mateusz W I number to \$87(2)(b)		pro	ovide				
E.PO Michael Kurshals		esy: Police Officer Mich cously to \$87(2)(b)	ael Kurshals spoke						
F.DT3 Christopher Stango	Abuse: D	Detective Christopher Sta	ango refused to prov	ide	his				
G.DT3 Christopher Stango		Detective Christopher State complaint regarding off		§ 87(: (b)	2)				

Case Summary

On December 8, 2021, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System. On December 7, 2021, at 3:40pm, PO Mateusz Wybraniec and PO Michael DiGiovanna of the 70th Precinct responded to a radio run for a past assault at \$87(2)(6) in Brooklyn. was arrested on suspicion of child abuse. \$87(2)(b) allegedly asked PO Wybraniec and PO DiGiovanna for their names and shield numbers and they refused to provide them (Allegations A-D: Abuse of Authority: \$87(2)(g) was transported to the Special Victims Unit office in Brooklyn by PO Michael Kurshals and PO Victor Kwok of the 70th Precinct. PO Kurshals allegedly told §87(2)(b) "Get your ass out of my car" (Allegation E: Discourtesy: was interviewed by Det. Stango regarding his arrest. Det Stango allegedly refused to provide his name to \$87(2)(b) and process a complaint against PO Wybraniec and PO DiGiovanna (Allegations F and G: Abuse of Authority: § 87(2)(g) BWC was obtained and is located in IAs 77-85. **Findings and Recommendations** Allegation (A) Abuse of Authority: Police Officer Michael DiGiovanna refused to provide his name to § 87(2)(b) Allegation (B) Abuse of Authority: Police Officer Mateusz Wybraniec refused to provide his name to § 87(2)(b) Allegation (C) Abuse of Authority: Police Officer Michael DiGiovanna refused to provide his shield number to § 87(2)(b) Allegation (D) Abuse of Authority: Police Officer Mateusz Wybraniec refused to provide his shield number to \$87(2)(b) PO DiGiovanna's BWC, located in IA 79, shows that \$87(2)(6) did not ask for any officer's names or shield numbers while he was at 43 Snyder Avenue (BR 01). testified that after PO Wybraniec and PO DiGiovanna apprehended him, he asked them both for their names and shield numbers. PO Wybraniec was walking away from \$87(2)(6) when he requested PO Wybraniec's name and shield number. \$87(2)(b) was not sure if PO Wybraniec heard the request. \$87(2)(6) believed that PO DiGiovanna heard the request as PO DiGiovanna was standing two feet away from \$87(2)(b) Both officers ignored \$87(2)(b) s request. did not state that any other officers were present (BR 02). PO Wybraniec and PO DiGiovanna were interviewed but could not recall if \$87(2)(b) officers for their names or shield numbers PO Kurshals responded to scene after the arrest was made and did not recall if \$87(2)(b) asked any officers for their names or shield numbers. Each officer stated that they did not refuse to provide their names or shield numbers to \$87(2)(b) 04, 05, 06). Responding officers Sgt. Thomas, PO Babenko, PO Samuel, PO Kwok, and PO Baggs were not interviewed as they arrived after the arrest was made and as BWC captured the entirety of this portion of the incident, their testimony was not needed.

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and shield numbers, BWC, which shows the entirety of the interaction at the school, shows that

testified that he asked PO Wybraniec and PO DiGiovanna for their names

never asked any officers for their names or shield numbers.
§ 87(2)(g)
Allegation (E) Discourtesy: Police Officer Michael Kurshals spoke discourteously to \$870
PO Kurshals' BWC, located in IA 83, shows that PO Kurshals and PO Kwok drove stop to the Special Victims building. At minute-mark 58:05, PO Kurshals walks to the back passenger's side door of his vehicle and tells stop to exit. stop tells PO Kurshals that he cannot move his leg because it is "locked". PO Kurshals tells stop to try and twist his body out. PO Kurshals tells stop to "scoot [his] ass in that way" and points towards the other end of the vehicle. PO Kurshals asks if it would help if stop laid down and puts his feet out. moves back and brings his legs around and is able to exit the vehicle. PO Kurshals walks into the building and is met by Det. Stango. (BR 02).
testified that after waiting for approximately 20 minutes after being handcuffed, PO Kurshals and PO Kwok escorted out of the school and into a patrol car. struggled to exit the vehicle and asked PO Kurshals for help. PO Kurshals said, "Get your ass out of my car. Just scoot your ass over. You can do it. Just get out of my car." eventually exited the vehicle and was escorted inside the building, where his handcuffs were removed by PO Kurshals (BR 03).
Upon reviewing his BWC footage from the incident, PO Kurshals noted that he did use the word "ass" in instructing [87(2)] on how to exit the vehicle, since [87(2)] was having difficulty moving his legs. PO Kurshals did not use the word disrespectfully (BR 06).
PO Kwok was the only other officer present during this allegation. As the allegation was captured on BWC, his testimony was not needed.
Police officers must respect the dignity of each individual and render services with courtesy and civility. <u>Patrol Guide Procedure 200-02</u> . While officers are permitted to use discourteous language during stressful situations, this permission is extended only when scenes are so chaotic that the duty of courteousness and professional behavior should be overridden by the immediate need to maintain order. <u>Disciplinary Case No. 2017-17005</u> (BR 09, 10).
Though alleged that PO Kurshals said, "Get your ass out of my car. Just scoot your ass over", the BWC shows that PO Kurshals used the word "ass" while instructing structing str
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Allegation (F) Abuse of Authority: Detective Christopher Stango refused to provide his name
Allegation (G) Abuse of Authority: Detective Christopher Stango did not process \$87(2)
s complaint regarding officers. BWC does not capture this portion of the incident as it occurred while \$87(2)(b) was being
interviewed by Det. Stango as a part of his investigation and would not have been required as per Patrol Guide Procedure 212-123 (BR 16).

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CCRB CTS – Confidential

testified that after being transported to the Special Victims unit building, Det. Stango brought structured into a waiting room. structured did not mention any other officers present. structured asked Det. Stango for his name, and Det. Stango did not answer. structured believed that Det. Stango heard his request as they were in the same room together. Det. Stango left the room and structured was left there until approximately 12:00am. Det. Stango then returned and told he was free to go. structured asked to file a complaint against PO Wybraniec and PO DiGiovanna, but Det. Stango said that he would not give structured the ability to report the officers.
Det. Stango testified that \$\frac{87(2)(b)}{2}\$ was the last person to be interviewed as part of the investigation into the allegations made by \$\frac{87(2)(b)}{2}\$ s stepdaughter. Det. Stango told \$\frac{87(2)(b)}{2}\$ his name and did not refuse to provide his name at any point. \$\frac{87(2)(b)}{2}\$ did not complain of any issues with his arresting officers, nor did he ask to file a complaint against those officers. Det. Stango did not refuse to prepare a civilian complaint for \$\frac{87(2)(b)}{2}\$ s arresting officer, who he did not identify by name, was also present for the interview, as he observed all the interviews in this investigation (BR 07).
PO Wybraniec, \$87(2)(b) s arresting officer, testified that he was not present for Det. Stango's interview with \$87(2)(b) though he did observe the interviews with \$87(2)(b) s children. PO Wybraniec did not recall if \$87(2)(b) asked to file a complaint against any officers nor did he recall if any officer refused to file a complaint for \$87(2)(b) (BR 05).
§ 87(2)(b), § 87(2)(g)
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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) has been a party (**BR 11**).
- PO DiGiovanna has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Wybraniec has been a member of service for three years and has been a subject in two additional CCRB complaints and six additional allegations, of which four were substantiated.:
 - 202005916 involved substantiated allegations of Force and Abuse of Authority against PO Wybraniec. The Board recommended Charges and the NYPD imposed Command Disciplines A and B.
- PO Kurshals has been a member of service for three years and has been a subject in four additional CCRB complaints and eight additional allegations, none of which were substantiated. §87(2)(9)
- Det. Stango has been a member-of-service for nine years and this is the first CCRB complaint to which he has been a subject

Mediation, Civil, and Criminal Histories

• This complaint was not suitable for mediation.

seeking an und	efined redress. As of May 1	7, 2022, there is no 50H hearing sc	heduled (BR 12, 1
Squad:	6		
Investigator:	Theo Kaufman Signature	Investigator Theo Kaufman Print Title & Name	May 25, 2022 Date
Squad Leader:	Jessica Peña Signature	IM Jessica Peña Print Title & Name	5/25/2022 Date
Reviewer:	Signature	Print Title & Name	Date

filed a Notice of Claim with the City of New York claiming personal injury and